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VIA ECF

The Honorable Margo K. Brodie
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *In re Payment Card Interchange Fee & Merchant Discount Antitrust Litigation*,
Nos. 05-md-1720 (MKB)(JAM), 13-cv-5746 (MKB)(JAM)

Dear Chief Judge Brodie:

We write in response to Defendants' letter of today, ECF No. 9336, which opposes the 7-Eleven Plaintiffs' request that this Court, when issuing its suggestion of remand of the 7-Eleven Action to the Southern District of New York, either: (a) invite the S.D.N.Y. to transfer the case back to this Court for trial under 28 U.S.C. §1404 in the interests of justice; or (b) suggest that the Chief Judge of the Second Circuit consider an intra-circuit assignment of the Court to sit by designation in the S.D.N.Y. under 28 U.S.C. §292(b).

Defendants contend that the Court would "pre-judge an application for transfer" by inviting re-transfer back to the E.D.N.Y. in its suggestion of remand. ECF No. 9336 at 2. That is not the case. On the contrary, such an invitation would assist the transferor court and the JPML by indicating this Court's willingness to entertain such a re-transfer and preside over the trial of this long-pending case. Such a result is even more appropriate now that the Court has denied preliminary approval of the Rule 23(b)(2) class settlement. That action is now also ready to proceed to trial. Given that this Court will preside over the trial of that case and the pretrial proceedings that lead up to such a trial, it will promote judicial economy for this Court to preside over both the Rule 23(b)(2) and the 7-Eleven Actions.

Respectfully,

/s/

Jeffrey I. Shinder